

December 3, 2002

Federal Communications Commission
Office of the Secretary
445 - 12th Street, SW
Washington, DC 20554

CC Docket Nos. 96 - 45 and 97 - 21

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SLD Action .Appealed: Funding Commitment Decision-Denial by SLD
Form 471 Application Number 300894
Funding Year 7/01/2002 - 06/30/2003
Billed Entity Number 226836
Date of Letter of Denial October 8, 2002

Dear Sirs:

This is a letter of appeal to the Federal Communications Commission (FCC) per the instructions from Mr. George McDonald, CEO of the Schools and Libraries Division (SLD). Mr. McDonald directed us to go directly to you in this appeal because the same attorneys who reviewed the application and recommended denial would also be the ones to review an appeal to the SLD. Therefore, per his recommendation, this appeal is directed to the FCC.

It should be noted that Florida Community College at Jacksonville did not receive the actual Funding Commitment Decision letter, only the attached document (Attachment A) entitled "Further Explanation of Administrator's Funding Decision." At the time of this appeal, we are still awaiting a copy of the letter, which has been requested of the SLD. We are following the instructions for appeal to the FCC as instructed by the SLD web site.

No. of Copies rec'd 2
List ABOVE

FCCJ contends that the SLD has made an error in denying the FCCJ application. FCCJ agrees that community colleges as a general group at a national level are not eligible entities and do not meet the definition of elementary and secondary schools as contemplated by federal law. However, the issue here is that community colleges in the state of Florida have two roles - they serve both traditional college students and also are vested by state law to provide free public secondary education and vocational certificate programs, where instruction is delivered at or below the 12 grade level.

The FCC rules do not exclude community colleges from participating in e-rate program. The rules permit a state designated secondary education provider to participate in the program. FCCJ believes that neither the FCC, in interpreting federal law, nor the SLD, in promulgating implementation rules, considered that a state such as Florida would assign legal responsibility for educating secondary students to a community college. Florida law clearly does this (See Attachments B, letter from Florida Secretary of Education, Jim Home and Attachment C, Florida Statutes). This is the primary basis for this appeal and request that the SLD decision be overturned.

FCCJ is applying for e-rate reimbursement on behalf of 11,206 eligible students in Duval County, which is a subset of the 105,134 eligible students in Florida. FCCJ has the right to receive e-rate discounts on behalf of these students, which does not include the college's other 41,450 college level students. It is the College's understanding that the methodology and technical compliance with the 471 application are not in question. The sole basis for the denial of the claim rests with SLD's contention that FCCJ is not a secondary school and because "FCCJ provides education beyond grade twelve."

SLD should not deny FCCJ because we offer education beyond grade twelve without taking into account our state law authorizing us to also provide secondary education. Further, high schools offer advanced placement courses and high school-based dual enrollment both of which are "beyond grade twelve" which does not disqualify them.

The SLD is denying equal access to federal programs for the 105,134 eligible students in Florida solely based on where the student lives and where they receive services, even though Florida law makes no distinction between community colleges and school districts for the secondary level of instruction. These publicly funded students should have the same access to advanced telecommunications discounts that their counterparts enjoy when they are served by a school district.

In Florida, a student can take classes from a school district operated vocational technical center and the SLD approves funding to support that student. This same student can move

to Jacksonville. take the same instruction, served by the public institution assigned that responsibility by Florida law (community college), and yet be denied access to that federal program. This inequity disenfranchises one half of Florida's eligible students. This is the reason that Florida receives only a 38% return for the amount of funds that the state contributes to the universal services fund while other states and territories enjoy in excess of 200%.

FCCJ is the Lead Education Agency (LEA) in Duval County as described by Florida law, F.S. 239.105 (21). This statute clearly states, "a local education agency is a school district or a community college." In Florida, adult general studies (which by definition includes high school students) and/or vocational technical studies are offered by the school districts in some areas of the state and by the community college in other areas of the state. **School districts and community colleges offering this level of instruction are paid the same, operate under the same statutory guidelines, have the same reporting requirements and are subject to state audit for FTE reporting. They are even in the same "workforce" budget category of the state legislature's annual appropriations act. In Florida, community colleges have a dual role: they provide free, publicly-funded secondary education and vocational certificates, as well as the traditional college credit programs.**

The e-rate eligible students represented in this application fall into three types of students: 1) students enrolled in the Duval County Public Schools attending middle or high school, but also attend FCCJ campuses for special programs designed to help them graduate from high school and/or prepare them for college; 2) high school students who are dually enrolled and attend FCCJ campuses; 3) students who have left the public school system but attend the College's high school; 4) adult general education students who receive instruction at or below the 12th grade level; and 5) vocational technical students who receive instruction at or below the 12th grade level (non-college credit/job preparatory courses). These students are served through the FCCJ Adult Studies School and the Vocational Technical Schools located at three different campuses. See attachment C for Florida Statutes.

FCCJ has been operating classes for eligible students since 1968 and receives state and federal funds as the LEA. FCCJ's eligible students include Adult Studies students and Vocational Technology (VocTech) students (see F.S. 239.105 (6), (23), and (27)). Neither of these programs awards college credit since all instruction is at or below the 12th grade level.

Letter of Appeal to the FCC
Florida Community College at Jacksonville
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The October 8, 2002 letter from USAC (Attachment A) states that:

In the Universal Service Order, the FCC rejected a request by the American Association of Community Colleges and Association of Community Colleges Trustees to "expand the definition of schools to include entities that educate elementary and secondary school aged students" on the grounds that the Act did not give the Commission discretion to expand the statutory definition of schools."

FCCJ agrees that all community colleges are not eligible and is not asking for such a change in national policy. FCCJ maintains that interpretation of the federal law and the SLD rules should accommodate Florida's unique seamless educational governance that assigns this community college a mission to serve secondary students.

In the FCC Form 471 Instructions, October 2002, pages 3-4, it states:

A billed entity **may or may not itself qualify** for discounts under the universal services support mechanism for schools and libraries

A secondary school is a non-profit institutional school**that provides secondary education, as determined under state law**, except that such term does not include any education beyond grade 12.

Florida law assigns equal responsibility and jurisdiction to both community colleges and school districts to serve the same population of eligible students. By refusing to consider Florida's laws, SLD disenfranchises half of Florida's eligible students, including those represented in this appeal.

The October 8, 2002 letter from USAC states that:

...the Act "does not give us the discretion to provide universal service support to any entity educating elementary and secondary school aged children unless that entity meets the statutory definition of a school." Universal Service Order 54

FCCJ contends that the Commission has the authority and the obligation to rule in support of providing reimbursement for eligible students under Florida's laws and should remand this back to the SLD for funding.

There are only two solutions to prevent the continued disenfranchisement of Florida's 105,000 eligible students: either the FCC allows Florida's community colleges to file on behalf of eligible students whom they serve pursuant to state law, or the state would have to re-design its governance structure for half of the state's students, rewrite its state laws, transfer facilities, programs, budgets and faculty from the community colleges to the

school districts. Obviously this remedy would be a huge burden to the state. and FCCJ believes it was never the intent of this program to interfere with state law.

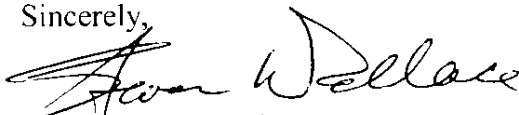
Obtaining e-rate for eligible students becomes even more critical because of Florida's class-size constitutional amendment, which passed on November 7, 2002. As Florida begins reducing class sizes statewide, it is anticipated that there will be a legislative mandate during the 2003 session for community colleges to accept even more high school students to reduce overcrowding in the high schools. FCCJ maintains that it is the intent of the federal law that these high school students should receive e-rate assistance when they attend a publicly funded non-profit secondary education provider.

FCCJ and the state of Florida have a legal obligation to pursue equal services for all of Florida's secondary students regardless of whether they are served in a vocational school operated by a school district or a vocational school operated by a community college. Florida law makes no distinction and neither should the federal e-rate program.

FCCJ is supported by Governor Jeb Bush; the Commissioner of Education, Charlie Crist; the Secretary of Education, Jim Home; the Public Services Commission and the Florida legislature in requesting that the FCC develop a policy to accommodate the seamless structure of Florida's educational system. It is the policy of this state to share resources between systems by utilizing facilities and faculty on community college campuses for K-12 programs. It is believed that this policy promotes academic excellence and provides expanded opportunities for young people. To this end, FCCJ urges the FCC to rule in favor of this application.

I have enclosed all of the documents associated with this application for your review. FCCJ and the state of Florida eagerly await your decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Wallace", written over a horizontal line.

Dr. Steven R. Wallace
College President

Letter of Appeal to the FCC
Florida Community College at Jacksonville
Form 471 Application Number: 300894
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CC: Governor Jeb Bush
Jim Home, Secretary, Florida Department of Education
Charlie Crist, Commissioner, Florida Department of Education
Lila Jaber, Chair, the Florida Public Services Commission
Bob Butterworth, Florida Attorney General
Julia Johnson, Board Member, Florida Board of Education

Support Documents Attached Include: (all electronic documents are WORD except for Attachments **A**, B, and G, which are in PDF using Adobe 5)

Attachment A:USAC Letter "Further Explanation of Administrator's Funding Decision."
Attachment B: Letter from Florida Secretary of Education, Jim Home
Attachment C: Florida Statutes
Attachment D: FCCJ Questions Answered *on* E-Rare Application
Attachment E: E-Rate Cover Letter for 471 Application (includes attachments)
Attachment F: Strategic Technology Plan
Attachment C: Home and Crist Letter to the USAC on 10-22-01



Universal Service Administrative Company
Schools & Libraries Division

October 8, 2002

Susan Lehr
Vice President Government Relations
Florida Community College at Jacksonville
501 West State Street
Jacksonville, Florida 32202

Further Explanation of Administrator's Funding Decision
Form 471 Application Number: 300894
Funding Year 7/01/2002 - 0613012003

In this mailing, you have been provided with a Funding Commitment Decision Letter concerning the FCC Form 471 Application Number cited above. This Funding Commitment Decision Letter denies your request for support.

Please be advised that the Funding Commitment Decision Letter is the official action on this application by the Schools and Libraries Program Administrator. Please refer to that letter for instructions regarding how to appeal the Administrator's decision. The purpose of this letter is to provide you with additional information concerning the reasons for denial of these funding requests.

Florida Community College at Jacksonville (FCCJ) submitted FCC Form 471 # 300894 requesting support for Telecommunications Services and Internet Access for services to be provided at six sites. FCCJ states that it provides a variety of K-12 instruction at each site to approximately 14,206 students out of a total of 55,656 students on all of FCCJ's campuses. *See* FCCJ, Responses to Specific Questions on E-Rate Application (300894), at 1-4 (August 9, 2002). FCCJ further states that out of a total of 263 classrooms at all three campuses, 119 are used for K-12 education. *See id* at 5-6.

Federal Communications Commission (FCC) regulations provide that schools satisfying the following criteria are eligible to receive support:

- (1) Only schools meeting the statutory definitions of "elementary school," as defined in 20 U.S.C. 8801(14), or "secondary school," as defined in 20 U.S.C. 8801(25), and not excluded under paragraphs (b)(2) or (b)(3) of this section shall be eligible for discounts on telecommunications and other supported services under this subpart.
- (2) Schools operating as for-profit businesses shall not be eligible for discounts under this subpart.
- (3) Schools with endowments exceeding \$50,000,000 shall not be eligible for discounts under this subpart.

47 C.F.R. § 54.501(b).

The No Child Left Behind Act of 2001 repealed 20 U.S.C. § 8801. *See* 20 U.S.C. 8801. The definitions of elementary and secondary school are now codified at 20 U.S.C. § 7801:

The term "elementary school" means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.

20 U.S.C. § 7801(18)

The term "secondary school" means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that the term does not include any education beyond grade 12.

20 U.S.C. 7801(38).

In the **Universal Service Order**, the FCC rejected a request by the American Association of Community Colleges and Association of Community Colleges Trustees to "expand the definition of schools to include entities that educate elementary and secondary school aged students" on the grounds that the Act did not give the Commission discretion to expand the statutory definition of schools. See Federal-State Joint Board on Universal Service, CC Docket No. **96-45**, Report and Order, FCC **97-157 554** (rel. May 8, 1997) ("**Universal Service Order**"). These entities had commented that community colleges should be eligible for universal service support to the extent that community colleges use telecommunications services "in teaching programs focusing on basic educational skills." *In re* Federal-State Board on Universal Service, Joint Comments of American Association of Community Colleges and Association of Community College Trustees, at 7, CC Docket 96-45 (April 12, 1996). These commenters noted that "community colleges play a vital role in educating 'non-traditional' students and urged that "if the services delivered by a higher education institution are K-12 types of services, such as adult basic education and remedial education, the institution should be eligible for discounted services." *Id.* at 8. The Commission declined to adopt this suggestion and stated that the Act "does not give us the discretion to provide universal service support to any entity educating elementary and secondary school aged children unless that entity meets the statutory definition of a school." **Universal Service Order 554**.

Pursuant to the federal statutory definitions of elementary and secondary school, a school that provides education beyond grade twelve is not eligible for support. FCCJ has indicated that it provides education beyond grade twelve. Since FCCJ provides education beyond grade twelve, FCCJ is not eligible for support.

CC: BellSouth Telecommunications Inc.
Attn. Fay Reed
Room **17M61**
675 West Peachtree Street
Atlanta, GA 30375



FLORIDA BOARD OF EDUCATION

December 3, 2002

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Federal Communications Commission

Office of the Secretary

445 - 12th Street, SW

Washington, DC 20554

RE: Appeal of Florida Community College at Jacksonville
Form 471 Application Number: 300894
Funding Year 7/01/2002- 7/01/2003

Dear Sirs:

This is a letter of support for the appeal of Florida Community College at Jacksonville (FCCJ) on behalf of the 14,206 eligible students in Duval County. It is also a confirmation to you on Florida's law substantiating that community colleges and school districts are both charged with the mission of serving certain secondary students.

I respectfully refer you to the Florida statutes in effect at the time of this application and still in effect today, which are referenced in the appeal materials provided to you by FCCJ. Be advised that Florida has just re-written its school laws, which go into effect on January 7, 2003. However, in the new laws community colleges and school districts continue to be charged with the mission of providing instruction at or below the 12th grade level. This dual role for community colleges of secondary education and college credit reflects Florida's seamless educational governance structure.

It is the policy of this state that community colleges and school districts share certain facilities and responsibilities in providing high school diplomas, general equivalency diplomas, dual enrollment, co-enrollment, vocational preparatory instruction, adult literacy, adult general education and vocational certificates. In some areas of the state this instruction is conducted by the school district in vocational centers and in other areas of the state the instruction is conducted by the community college on their campuses. Both report FTE the same, they are funded the same, and are held to the same level of accountability.

CHARLIE CRIST

COMMISSIONER

FLORIDA DEPARTMENT
OF EDUCATION

325 W. GAINES STREET
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The Florida Department of Education is very concerned that Florida only receives a 38% return on the universal **services** funds that our state pays. We believe **this** occurs because the Schools and Library Division (SLD) has inadvertently disenfranchised the 105,000 students being served by our community colleges. Florida is now only able to receive e-rate reimbursement for those students served in the private sector and in the school districts, which leaves half of Florida's eligible students who are served by community colleges unable to participate in this federal program.

I support FCCJ's contention that those 105,000 students who are receiving instruction at or below the 12th grade level are eligible to participate in the program. Further, I **am** certain that it was never the intent of this program to interfere with state law as evidenced by the SLD's own rules which support our state's right to assign instructional mission.

IN THE FCC FORM 471 INSTRUCTIONS, OCTOBER 2002, PAGES 3-4, IT STATES:

A BILLED ENTITY MAY OR MAY NOT ITSELF QUALIFY FOR DISCOUNTS UNDER THE UNIVERSAL SERVICES SUPPORT MECHANISM FOR SCHOOLS AND LIBRARIES.....

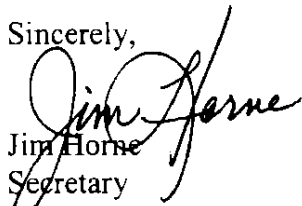
A SECONDARY SCHOOL IS A NON-PROFIT INSTITUTIONAL SCHOOL.....THAT PROVIDES SECONDARY EDUCATION, AS DETERMINED UNDER STATE LAW, EXCEPT THAT SUCH TERM DOES NOT INCLUDE ANY EDUCATION BEYOND GRADE 12.

FCCJ is not applying for itself as a college nor are they applying for support for students receiving instruction beyond grade 12. They are applying on behalf of eligible students as it reflects their role as a secondary school. FCCJ is authorized and indeed directed to provide certain secondary education by Florida laws.

Finally, I am informing you that because of the class size amendment, which was passed by Florida's citizens on November 7, 2002, the state will probably be sending even more high school students to community college campuses to take high school level instruction in college facilities. Florida believes that seamless education means sharing educational resources. I ask that this be taken into consideration as you make your decision on this important appeal.

Florida is working hard to improve the quality of our educational system, and the e-rate program is an important resource for us as we look at building an educational portal and more fully utilizing technology in the classroom. Please give every consideration to this appeal. My staffs and I are available to answer any questions and assist you in any way possible as you make your decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Horne", written over the printed name and title.

Jim Horne
Secretary

Florida Board of Education

Attachment C

Selected Florida Statutes in Support of Florida Community College at Jacksonville Application Number 300894

Please be advised that Florida Statutes are available on line at:

http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0239'titl0239.htm&StatuteYear=2001&Title=%2D%3E2001%2D%3EChapter%20239

The following represents excerpts from Chapters 239 and 240 that documents the dual role of Florida's community colleges in providing not only traditional college credit education but also secondary and technical education, which is taught at or below the 12th grade level. Community Colleges and School Districts are referred to throughout Chapter 239 specifying types of instruction, funding and other laws demonstrating they are treated equally in providing this secondary level of education referred to in Florida law as "workforce education." There are many other reference cites, these reflect highlights.

'239.241 Vocational dual enrollment and early admission:

(1) Vocational dual enrollment shall be provided as a curricular option for secondary students to pursue in order to earn a series of elective credits toward the high school diploma. However, vocational dual enrollment may not supplant student acquisition of the diploma. Vocational dual enrollment must be available for a secondary student seeking a degree or certificate from a complete job-preparatory program, but may not sustain student enrollment in isolated vocational courses. It is the intent of the Legislature that student enrollment in a vocational dual enrollment program reflect the interests and aptitudes of the student. The provision of a comprehensive academic and vocational dual enrollment program within the vocational-technical center or community college is supportive of legislative intent; however, such provision is not mandatory.

239.301 Adult general education and 239.309 Adult Literacy also document the role of a community college in delivering this instruction exactly the same as a school district.

239.101 Legislative intent.--

?) ³Certificate career education should provide job-preparatory instruction through which students attain the job-specific, academic, and employability competencies necessary to enter specific occupations. Institutions are encouraged to conduct ³certificate career education programs in a manner that enables students to enroll during the academic year and exit a program upon successful demonstration of the competencies required for the program. ³Certificate career education should also provide continuing education for adults who seek to update or upgrade skills related to their occupations. Unless specifically addressed, this chapter does not affect degree career education college credit instruction leading to an associate in science degree.

(7) The Legislature finds that career education is a crucial component of the educational programs conducted within school districts and community colleges. Accordingly, career education must be represented in accountability processes undertaken for educational institutions. It is the intent of the Legislature that the vocational standards articulated in s. 239.229(2) be considered in the

development of accountability measures for public schools pursuant to ss. 229.591, 229.592, and 230.23(16) and for community colleges pursuant to s. 240.324.

'239.105 Definitions.--As used in this chapter, the term:

- (1) "Adult basic education" means courses of instruction designed to improve the employability of the state's workforce through instruction in mathematics, reading, language, and workforce readiness skills at grade level equivalency 0-8.9.
- (2) "Adult ESOL" or "adult ESL" means noncredit English language courses designed to improve the employability of the state's workforce through acquisition of communication skills and cultural competencies which enhance ability to read, write, speak, and listen in English. ESOL means English for Speakers of Other Languages. ESL means English as a Second Language. The two terms are interchangeable.
- (3) "Adult general education" means comprehensive instructional programs designed to improve the employability of the state's workforce through adult basic education, adult secondary education, English for Speakers of Other Languages, vocational-preparatory instruction, and instruction for adults with disabilities.
- (4) "Adult high school credit program" means the award of credits upon completion of courses and passing of state mandated assessments necessary to qualify for a high school diploma. Except as provided elsewhere in law, the graduation standards for adults shall be the same as those for secondary students.
- (5) "Adult secondary education" means courses through which a person receives high school credit that leads to the award of a high school diploma or courses of instruction through which a student prepares to take the General Educational Development test.
- (6) "Adult student" is a student who is beyond the compulsory school age and who has legally left elementary or secondary school, or a high school student who is taking an adult course required for high school graduation.
- (7) "Adult with disability," for the purpose of funding, means an individual who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment, and who requires modifications to the educational program, adaptive equipment, or specialized instructional methods and services in order to participate in workforce development programs that lead to competitive employment.
- (8) "Applied technology diploma program" means a course of study that is part of a degree vocational education program, is less than 60 credit hours, and leads to employment in a specific occupation. An applied technology diploma program may consist of either vocational credit or college credit. A public school district may offer an applied technology diploma program only as vocational credit, with college credit awarded to a student upon articulation to a community college. Statewide articulation among public schools and community colleges is guaranteed by s. 240.115, and is subject to guidelines and standards adopted by the articulation coordinating committee pursuant to s. 229.551(1)(g).
- (9) "Basic literacy," which is also referred to as "beginning adult basic education," means the demonstration of academic competence from 2.0 through 5.9 educational grade levels as measured by means approved for this purpose by the State Board of Education.

(10) "Beginning literacy" means the demonstration of academic competence from 0 through 1.9 educational grade levels as measured by means approved for this purpose by the State Board of Education.

(11) "College-preparatory instruction" means courses through which a high school graduate who applies for an associate in arts degree program or an associate in science degree program may attain the communication and computation skills necessary to enroll in college credit instruction.

(12) "Commissioner" means the Commissioner of Education

(13) "Community education" means the use of a school or other public facility as a community center operated in conjunction with other public, private, and governmental organizations for the purpose of providing educational, recreational, social, cultural, health, and community services for persons in the community in accordance with the needs, interests, and concerns of that community, including lifelong learning.

(14) "Continuing workforce education" means instruction that does not result in a vocational certificate, diploma, associate in applied science degree, or associate in science degree. Continuing workforce education is for:

(a) Individuals who are required to have training for licensure renewal or certification renewal by a regulatory agency or credentialing body;

(b) New or expanding businesses as described in chapter 288;

(c) Business, industry, and government agencies whose products or services are changing so that retraining of employees is necessary or whose employees need training in specific skills to increase efficiency and productivity; or

(d) Individuals who are enhancing occupational skills necessary to maintain current employment, to cross train, or to upgrade employment.

(15) "Degree vocational education program" means a course of study that leads to an associate in applied science degree or an associate in science degree. A degree vocational education program may contain within it one or more occupational completion points and may lead to certificates or diplomas within the course of study. The term is interchangeable with the term "degree career education program." For licensure purposes, the term "associate in science degree" is interchangeable with "associate in applied science degree."

(16) "Department" means the Department of Education

(17) "Family literacy" means a program for adults with a literacy component for parents and children or other intergenerational literacy components.

(18) "Functional literacy," which is also referred to as "intermediate adult basic education," means the demonstration of academic competence from 6.0 through 8.9 educational grade levels as measured by means approved for this purpose by the State Board of Education.

(19) "General Educational Development (GED) test preparation" means courses of instruction designed to prepare adults for success on the five GED subject area tests leading to qualification for a State of Florida high school diploma.

(20) "Lifelong learning" means a noncredit course or activity offered by a school district or community college which seeks to address community social and economic issues related to health and human relations, government, parenting, consumer economics, and senior citizens. The course or activity must have specific expected outcomes that relate to one or more of these areas.

(21) "Local educational agency" means a community college or school district.

(22) "Local sponsor" means a school board, community college board of trustees, public library, other public entity, or private nonprofit entity, or any combination of these entities, that provides adult literacy instruction.

(23) "Vocational certificate program" means a course of study that leads to at least one occupational completion point. The program may also confer credit that may articulate with a diploma or degree career education program, if authorized by rules of the Department of Education. Any credit instruction designed to articulate to a degree program is subject to guidelines and standards adopted by the Articulation Coordinating Committee pursuant to s. 229.551(1)(g). The term is interchangeable with the term "certificate career education program."

(24) "Occupational completion point" means the vocational competencies that qualify a person to enter an occupation that is linked to a vocational program.

(25) "Vocational education planning region" means the geographic area in which career or adult education is provided. Each vocational region is contiguous with one of the 28 Community college service areas. The term may be used interchangeably with the term "career education planning region."

(26) "Vocational-preparatory instruction" means adult general education through which persons attain academic and workforce readiness skills at the level of functional literacy (grade levels 6.0-8.9) or higher so that such persons may pursue certificate career education or higher-level career education.

(27) "Vocational program" means a group of identified competencies leading to occupations identified by a Classification of Instructional Programs number.

(28) "Workforce development education" means adult general education or vocational education and may consist of a continuing workforce education course or a program of study leading to an occupational completion point, a vocational certificate, an applied technology diploma, or a vocational education degree.

(29) "Workforce literacy" means the basic skills necessary to perform in entry-level occupations or the skills necessary to adapt to technological advances in the workplace

'239.115 Funds for operation of adult general education and vocational education programs.--

(1) As used in this section, the terms "workforce development education" and "workforce development program" include:

(a) Adult general education programs designed to improve the employability skills of the state's workforce through adult basic education, adult secondary education, GED preparation, and vocational-preparatory education.

(b) Vocational certificate programs, including courses that lead to an occupational completion point within a program that terminates in either a certificate, a diploma or a degree.

(2) Any workforce development education program may be conducted by a community college or a school district, except that college credit and an associate in science degree may be awarded only by a community college.

(7)(a) Beginning in fiscal year 1999-2000, a school district or a community college that provides workforce development education funded through the Workforce Development Education Fund shall receive funds in accordance with distributions for base and performance funding established by the Legislature in the General Appropriations Act, pursuant to the following conditions:

(10) A high school student dually enrolled under s. 240.116 in a workforce development program funded through the Workforce Development Education Fund and operated by a community college or school district technical center generates the amount calculated by the Workforce Development Education Fund, including any payment of performance funding, and the proportional share of full-time equivalent enrollment generated through the Florida Education Finance Program for the student's enrollment in a high school.

239.213 Vocational-preparatory instruction:-

(1) The State Board for Career Education shall adopt, by rule, standards of basic skill mastery for certificate career education programs. Each school district and community college that conducts certificate career education programs shall provide vocational-preparatory instruction through which students receive the basic skills instruction required pursuant to this section.

'239.229 Vocational standards.

(1) The purpose of career education is to enable students who complete vocational programs to attain and sustain employment and realize economic self-sufficiency. The purpose of this section is to identify issues related to career education for which school boards and community college boards of trustees are accountable. It is the intent of the Legislature that the standards articulated in subsection (2) be considered in the development of accountability standards for public schools pursuant to ss. 229.591, 229.592, and 230.23(16) and for community colleges pursuant to s. 240.324.

(7). Vocational curriculum articulation with corresponding postsecondary programs in the local area technical center or community college, or both.

(b) School board, superintendent, and area technical center, and community college board Of trustees and president, accountability for certificate career education and diploma programs includes, but is not limited to:

'239.241 Vocational dual enrollment and early admission.--

(1) Vocational dual enrollment shall be provided as a curricular option for secondary students to pursue in order to earn a series of elective credits toward the high school diploma. However, vocational dual enrollment may not supplant student acquisition of the diploma. Vocational dual enrollment must be available for a secondary student seeking a degree or certificate from a complete job-preparatory program, but may not sustain student enrollment in isolated vocational courses. It is the intent of the Legislature that student enrollment in a vocational dual enrollment program reflect the interests and aptitudes of the student. The provision of a comprehensive academic and vocational dual enrollment program within the vocational-technical center or community college is supportive of legislative intent; however, such provision is not mandatory.

239.301 Adult general education and 239.309 Adult Literacy also document the role of a community college in delivering this instruction exactly the same as a school district.

'240.321 Community college district board of trustees; rules for admissions of students.--

Admission to other programs within the community college shall include education requirements as established by the board of trustees.

Each board of trustees shall establish policies that notify students about, and place students into, adult basic education, adult secondary education, or other instructional programs that provide students with alternatives to traditional college-preparatory instruction, including private provider instruction....

'240.301 Community colleges; definition, mission, and responsibilities.

(1) State community colleges shall consist of all public educational institutions operated by community college district boards of trustees under statutory authority and rules of the State Board of Education and the State Board of Community Colleges. A community college may provide adult education services, including adult basic education, adult general education, adult secondary education, and general educational development test instruction. The state community colleges are locally based and governed entities with statutory and funding ties to state government. As such, the community colleges' mission reflects a commitment to be responsive to local educational needs and challenges. In achieving this mission, the colleges strive to maintain sufficient local authority and flexibility while preserving appropriate legal accountability to the state.

(2) As comprehensive institutions, the community colleges shall provide high-quality, affordable education and training opportunities, shall foster a climate of excellence, and shall provide opportunities to all while combining high standards with an open-door admission policy. The community colleges shall, as open-access institutions, serve all who can benefit, without regard to age, race, gender, creed, or ethnic or economic background, while emphasizing the achievement of social and educational equity so that all can be prepared for full participation in society.

(3) The primary mission and responsibility of public community colleges is responding to community needs for postsecondary academic education and 'degree' career education. This mission and responsibility includes being responsible for:

(a) Providing lower level undergraduate instruction and awarding associate degrees

(b) Preparing students directly for vocations requiring less than baccalaureate degrees. This may include preparing for job entry, supplementing of skills and knowledge, and responding to needs in new areas of technology. Career education in the community college shall consist of certificate career education programs leading to certificates for occupational completion points, credit courses leading to associate in science degrees and associate in applied technology degrees, and other programs in fields requiring substantial academic work, background, or qualifications. A community college may offer vocational programs in fields having lesser academic or technical requirements.

(c) Providing student development services

Responses to Specific Questions on E-Rate Application (300894)

Florida Community College Jacksonville (FCCJ)

August 9, 2002

I) Contact Information:

Susan Lehr, Vice President for Government Relations
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Susan Lehr has been charged by the Florida Community Colleges' Council of Presidents to advance the issue of E-Rate participation among Florida's eligible students who are served in the community colleges. In Florida, the community colleges have the same responsibility for certain K-12 instruction, as do the school districts. This E-Rate application and effort is strongly supported by the Governor's Office and the new K-20 Secretary of Education, Jim Horne. Moreover, both the Secretary and the Commissioner of Education, Charlie Crist, have committed resources as needed from the Florida Dept. of Education to support FCCJ's application.

Rleinda Crowley has been assigned by the Governor's Office and the Florida Department of Education to assist FCCJ in navigating the application process to ensure full compliance with the SLD requirements. Florida has a keen interest in capturing e-rate credits for all eligible students not just the ones who live in areas of the state served by the school districts.

Electronic documents attached include:

- Enterprise Planning Resource Management report (EPRM)
- Table of Contents for FCCJ Technology Plan – please be advised that the full 255 page published document entitled Strategic Technology Plan has been sent to John Piznak at NECA via overnight Federal Express.

2) How Services Requested Are Tied to K-12:

The e-rate eligible students represented in this application fall into three types of students: 1) students enrolled in the Duval County Public School system and attend middle or high school but also attend FCCJ campuses for special programs designed to ensure that they graduate from high school and to prepare them for their vocational technical needs; 2) adult general education students who receive instruction at or below the 12th grade level (called AGE); and 3) vocational technical students who receive

instruction at or below the 12th grade level (non-college credit job preparatory courses called PSAV). These students are served through the FCCJ Adult Studies School and the Vocation Technical Schools located at three different campuses.

FCCJ also served 1,800 high school students this past year using mobile labs to provide tutoring and career advising services. This was part of the College Board program in Florida. None of those 1,800 students are included in this application because Melinda Crowley was uncertain as to how to define this service. Since community colleges have some responsibility for this type of instruction in the Florida K-20 environment, it is hoped that the SLD will provide some direction for future applications. Most of these students are “at-risk” with economic disadvantage factors and are eligible students.

FCCJ is the LEA for Duval County as described by Florida law, F.S. 239.105 (21). It has been operating classes for the eligible students since 1968 and receives state and federal funds as the LEA. FCCJ’s eligible populace includes Adult Studies students and Vocational Technology (VocTech) students (see F.S. 239.105 Definitions).

See the link to these Florida statutes on-line at

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0239/SEC105.I1TM&Title=->2001->Ch0239->Section%20105.

Neither of these programs (AGE and PSAV) award college credit since all adult vocational and adult general education instruction is delivered at or below the 12th grade level by Florida Law. Florida’s statewide, curriculum frameworks are also very specific in defining this level of instruction to ensure that the instruction is exactly the same at all institutions offering AGE and PSAV. This guarantees that a student can transfer from one area of the state to another within the same program and receive the same instruction. In Florida, a student from a community college PSAV program (vocational technical) can transfer to a school district PSAV program (vocational technical) and a school district student can transfer to a community college program with ease because the instruction is identical. These frameworks are part of the state’s Common Course Numbering System and are available upon request.

In Florida, adult general studies and or vocational technical studies are offered by the school districts in some areas of the state and in other areas, it is offered by the community college. FCCJ has been providing instruction for these students since 1968. **School districts and community colleges offering this level of instruction are paid the same, operate under the same statutory guidelines, utilize the same state approved curriculum, have the same reporting requirements, the same facilities code and are subject to the same state audit for FTE reporting. Florida’s school districts currently receive e-rate credits for the eligible students in their AGE and PSAV programs, as per approval of the e-rate program. This represents roughly half of the state’s eligible student population. This application is the first attempt to serve the other eligible students under the e-rate program.**

3) Technology Plan:

The College has reviewed the requirements on the SLD web site and certifies complete compliance. Further, the Bureau of Educational Technology has reviewed and approved the FCCJ Technology plan with a letter of certification in February 2002. FCCJ meets CIPA requirements. Each site has an acceptable use policy and the 479 forms were collected and remain on file for audit purposes. FCCJ participates in the FIRN network (CIPA compliant) for telecommunication transmissions.

FCCJ has one of the most comprehensive technology plans of any institution. The technology plan was published in June 2002 and is entitled Strategic Technology Plan by Rob Rennie, Vice President for Technology at FCCJ. Attached is an electronic file that contains the table of contents, the remainder of the book is not available in an electronic format; therefore, an overnight-express copy of the 250 page book has been sent to the SLD (John Piznak) for review.

Also attached is another electronic document that serves to meet the state's requirement for a technology plan, it is the annual Enterprise Planning Resource Management report (EPRM). This was submitted on November 1, 2001 to the Division of Community Colleges, Florida DOE, the Governor's Office, and House and Senate Fiscal Committees. It is approved by the DOE Bureau of Educational Technology and every institution addresses the same criteria for reporting. It contains the following specific to FCCJ:

- Overview of Technology Use and Forecast
- Infrastructure
- Performance Management
- Desktop Tools Utilized
- Video Teleconferencing Use
- Critical Statewide issues
- Interagency Sharing
- Budget
- Hardware Inventory
- Local Area Networks Inventory
- Connectivity to the Wide Area Network or Metropolitan Area Network
- Applications Inventory
- Human Resources Inventory

The FCCJ full technology plan is much more extensive than the EPRM report

Under the 5th District Court ruling, FCCJ is eager to identify an alternate path to the CIPA requirements because such a small number of the eligible students served (439 out of 14,206) are under age 17. And, when those students are present on the campus they are closely supervised. The College would propose that specific computers with Internet access filtering be designated for this population's use when they are on campus.

4) Numbers of Students:

The total number of FCCJ students for all campuses, unduplicated headcount for FY 02 is 55,656. Of those students, 14,206 were eligible students in AGE and PSAV served by the three campuses in the e-rate application (includes the 439 high school students). This figure was derived from the state system and represents the unduplicated headcount of eligible students. At the time of the application for e-rate, the number was projected to be 14,206; however, by the end of the fiscal year the actual number was 15,992. Melinda Crowley has advised that the application cannot be "updated" so all calculations are based on the 14,206 eligible students, which are a subset of the total student population of 55,656.

5) Students to Be Served on the 471 (and Student Eligibility Survey Methodology)

It is important to note that FCCJ's programs run year-round and that students attend classes in fall, spring and summer terms. Student counts used on the 471 are unduplicated headcount of eligible students.

At the time of the FCCJ e-rate application (during the second term-Spring), it was believed that the total number of eligible students who would receive K-12 instructional services (PSAV and **AGE**) from the three sites for FY 2002, would be 14,206 students (unduplicated headcount) according to the auditable state files. The number entered on the 471 was 14,206 as a conservative projection, whereas the actual was 15,992. A direct survey method was used to ascertain economic disadvantage, which is explained below.

The method utilized for collecting eligibility data was a direct student survey for the students present on January 7-9 2002. The survey comports with the requirement for economic disadvantage using the criteria of free and reduced lunch, which is the same as used by school districts. This "point-in-time snapshot" sampling method was used because the College did not previously understand the need to collect data on every single student to determine eligibility. This is now being done the first time the student attends class.

Student names and social security numbers currently attending the Duval Public School System who are also participating in these special assistance programs (FAME, Gear-UP, CROP and Upward Bound) are on file at FCCJ, as this is a state requirement (economic disadvantage) for FCCJ to serve them during the year. Only students who attended the campus on a regular planned schedule were counted.

Eligible students were surveyed on January 7, 8, and 9 of 2002. Since surveys forms were distributed during class, the survey results rendered a reliable return rate of 65%. The economic disadvantage rate for each billed entity was based on student eligibility rate. All surveys are retained for audit purposes and available for review.

The total number of students who were in PSAV and AGE programs during the survey dissemination period was 2,900. There were 1,824 surveys returned (return rate was 65%). Of the surveys returned the percent found economic disadvantaged at the specific sites are as follows:

- 57 % at North Campus for PSAV
- 49 % at North Campus for AGE
- 31 % at South Campus for PSAV
- 42 % at South Campus for AGE
- 39 % at Downtown Campus for PSAV
- 89 % at Downtown Campus for AGE

This direct survey method was the best that the College could do given the short time frame for application. **All** students are now being surveyed in preparation for next year's application. See attached file entitled, "E-Rate Calculation Worksheet."

6) Classrooms:

Please note that the students move from different classrooms and labs to accomplish their instruction. The majority of students will take most of their classes at only one campus. Each campus/site has a different mix of programs for the PSAV and AGE students. The specialty training areas for each campus site are identified below and some additional information is provided about the technology for those classrooms. The college also has retained for audit purposes, schematics for each building, which identifies spaces used by the eligible PSAV and AGE students,

For the Downtown Campus there are a total of 97 classrooms (40 are PSAV and 21 are AGE). **Of the 97 classrooms 61 are used by the PSAV and AGE eligible students** as this is an urban campus with much traditional vocational technical instruction. Of the 61 classrooms 23 are "smart classrooms," which contain computers for the eligible students, a projector and computer for the instructor and internet connection. Instruction for the eligible students includes information technology certificates, construction trades, office technology, computer repair, automotive, etc.

For the North Campus there are a total of 59 classrooms **Of the 59 classrooms 45 are used by the PSAV and AGE eligible students.** Of the 45 classrooms 17 are "smart classrooms," which contain computers for the eligible students, a projector and computer for the instructor and internet connection. This campus serves programs for the eligible students, which includes all the health care programs, law enforcement training, and culinary instruction.

For the **South Campus** there are a total of 107 classrooms. **Of the 107 classrooms, 13 are used by the PSAV and AGE eligible students. And,** of the 13 classrooms 9 are “smart classrooms,” which contain computers for the eligible students, a proxima and computer for the instructor and internet connection. The adult education and tire science programs, which serves the eligible students, have their own buildings on the campus.

Site	Total Classrooms	Classrooms Serving Eligible Students AGE/PSAV	AGE/PSAV “Smart” Classrooms
Downtown	97	61	23
North	59	45	17
South	107	13	9
Total	263	119 (45%)	49 (41%)

7) **Administrative Spaces:**

During the period of time when the College was developing its application, sites were instructed to review schematics for each building to identify spaces used by the PSAV and **AGE** eligible students. **If** an entire building was exclusively used by PSAV and **AGE**, then all **of** the space in that building was identified. Most ACE faculty is discreet and serves only that population so their administrative space was identified. In PSAV, for the most part serve only eligible students in this program.